

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRENDAN WELCH, and WELCH RACING,

Plaintiffs,

vs.

DAVID WRIGHT, DOUBLE OO SHITSHOW,
CHARITY ET SHACK CHICK, EASON L.
WRIGHTIII, and PAT WRIGHT,

Defendants.

4:23CV3128

MEMORANDUM AND ORDER

Plaintiffs Brendan Welch (“Welch”) and Welch Racing (“WR”) filed a Motion seeking additional time to file an amended complaint in compliance with this Court’s December 1, 2023, order (the “Motion to Extend”), and requesting reconsideration of the denial of their most recent motion to appoint counsel. [Filing No. 32](#).

In this Court’s December 1 order, Plaintiffs were granted “thirty days to file an amended complaint that complies with this order and the prior orders of this Court.” [Filing No. 30 at 13](#). As cause for the Motion to Extend, Welch details multiple personal events causing him delay as well as the number of claims, defendants, and facts he needs to address in an amended complaint. [Filing No. 32](#). He requests a ‘30, 60, or 90 day” extension in which to file his amended complaint.

To the extent Plaintiffs seek leave to file an amended complaint as set forth in the December 1 order, leave is granted. Plaintiffs, however, are again warned:

An amended complaint will supersede, not supplement, the previously filed Complaint and Supplement. Plaintiffs must include all of the claims they wish to pursue against all of the individuals named as defendants in this case that they wish to proceed against in their amended complaint, without relying upon or incorporating by reference any allegations made in the original complaints. Plaintiffs should be mindful to explain in their amended complaint what each defendant did to them, when and where the defendant did it, and how the defendant's actions harmed them.

Regarding Plaintiffs' request for reconsideration of this Court's December 1 Order denying appointment of counsel, the Court sees no reason to revisit its prior determination. As an initial matter, to the extent Plaintiffs seek counsel for WR, their prior motion for counsel for WR was dismissed with prejudice, and therefore need not be addressed further here. See [Filing No. 30 at 4](#). In relation to seeking counsel for Welch, he simply reiterates that difficulties in his life and his status as a layperson necessitate counsel's assistance. See *id.* As nothing has changed since his prior motion to appoint counsel was denied, the motion shall again be denied without prejudice for the reasons set forth in the Court's prior orders dismissing his prior motions to appoint counsel. See [Filing No. 9 at 30–31](#); [Filing No. 12 at 3](#); [Filing No. 30 at 4](#).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend, [Filing No. 32](#), is granted. Plaintiff shall have through and until **June 24, 2024**, to file an amended complaint consistent with this order, and with this Court's December 1, 2023, order at [Filing No. 30](#). If Plaintiff fails to file an amended complaint or otherwise respond or seek an extension to do so prior to the expiration of

the June 24, 2024, deadline, the Court shall perform an initial review of the claims set forth in Plaintiff's Supplement, [Filing No. 8](#), to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#).

2. The Clerk's Office is instructed to terminate the January 2, 2024, deadline for Plaintiff to amend his Complaint and is directed to set a pro se case management deadline in this case using the following text: **June 24, 2024**: Check for amended complaint.

3. Plaintiffs' motion for reconsideration of the denial of his most recent motion to appoint counsel in this Court's December 1, 2023 order, [Filing No. 30 at 4](#), is denied without prejudice as to defendant Welch.

Dated this 24th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Court